

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

UNITED STATES OF AMERICA

v.

JOSEPH SIGELMAN

Case No. 14-00263-1 (JEI)

Hon. Joseph E. Irenas, U.S.D.J.

**[PROPOSED] FINDINGS OF FACT AND CONCLUSIONS OF LAW REGARDING
DEFENDANT’S MOTION TO SEAL MATERIALS**

Upon motion by Joseph Sigelman for permission to file several 302s under seal as exhibits to his Motion to Depose David Orlando Duran Florez (“Duran”) pursuant to Federal Rule of Criminal Procedure 15, the Court makes the following Findings of Fact and Conclusions of Law:

1. Under Federal Rule of Criminal Procedure 49.1(d) and Local Rule of Civil Procedure 5.2, this Court may permit materials to be filed under seal.
2. The 302 reports of interviews with Duran and Mauricio Vesga produced to Sigelman by the Government pursuant to the protective order may be filed under seal to avoid the possible injury attending public disclosure.
3. Permitting the filing of such materials under seal is the appropriate remedy.

Dated: _____, 2015

Honorable Joseph E. Irenas
Senior United States District Judge

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**[PROPOSED] ORDER GRANTING
DEFENDANT’S MOTION TO SEAL MATERIALS**

ORDERED, that Joseph Sigelman’s Motion to Seal Materials attached as exhibits to his Motion to Depose David Orlando Duran Florez is granted.

Dated: _____, 2015

Honorable Joseph E. Irenas
Senior United States District Judge

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NOTICE OF DEFENDANT'S MOTION TO SEAL MATERIALS

TO:	Daniel S. Kahn, Esquire Assistant United States Attorney United States Department of Justice 950 Pennsylvania Avenue, NW Washington, DC 20530-0001	Zach Intrater, Esquire Assistant United States Attorney U.S. Attorney's Office, Room 700 970 Broad Street Newark, NJ 07102
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PLEASE TAKE NOTICE that, on a date and time to be set by the Court, defendant Joseph Sigelman, by and through his undersigned attorneys, will move before the United States District Court for the District of New Jersey for an Order permitting the filing under seal of exhibits to his Memorandum of Law in support of the Motion to Depose David Orlando Duran Florez filed today.

Mr. Sigelman will rely on the memorandum of law submitted herewith in support of his Motion. Oral argument is requested if the Motion is opposed.

Respectfully submitted,



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Dated: March 30, 2015

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DEFENDANT'S MOTION TO SEAL MATERIALS

Joseph Sigelman today files a Motion to Depose David Orlando Duran Florez ("Duran"). The Memorandum of Law in support of the Motion discusses several Federal Bureau of Investigation Form 302 reports ("302s") of interviews with Duran and Mauricio Vesga ("Vesga"). Through his undersigned counsel, Sigelman respectfully moves this Court for an order permitting him to file the following interview reports under seal as exhibits to the Motion:

1. Report of a joint interview with Duran and his wife conducted on March 14, 2013;
2. Report of an interview with Duran conducted on February 6, 2014;
3. Report of an interview with Duran conducted on April 29, 2014;
4. Report of an interview with Duran conducted on May 9, 2014; and

5. Report of an interview with Vesga conducted on March 12–13, 2015.

Federal Rule of Criminal Procedure 49.1(d) and Local Civil Rule 5.2 provide for the sealing of documents in criminal cases. Sigelman relies upon the protective order issued by this Court (Dkt. No. 38) as grounds for sealing.

WHEREFORE, for the reasons set forth herein, Sigelman respectfully requests that the Court grant this Motion and enter an order permitting the filing under seal of the materials referenced above as exhibits to the Motion to Depose David Orlando Duran Florez filed with the Court today.

Dated: March 30, 2015

Respectfully submitted,

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Counsel for Defendant Joseph Sigelman

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**MEMORANDUM IN SUPPORT OF
DEFENDANT'S MOTION TO SEAL MATERIALS**

Under Federal Rule of Criminal Procedure 49.1(d) and Local Rule of Civil Procedure 5.2, the Court may permit filings under seal in criminal cases. Local Rule of Civil Procedure 5.3(c) requires a description of (a) the nature of the materials at issue, (b) the legitimate interests warranting relief, (c) the injury that would result if relief is not granted, and (d) the reason no less restrictive alternative relief is available.

The 302s Sigelman seeks to file under seal as exhibits to his Motion to Depose David Orlando Duran Florez ("Duran") pursuant to Federal Rule of Criminal Procedure 15 summarize interviews with Duran and Mauricio Vesga. Sigelman requests permission to file the 302s under seal out of abundant caution to preserve the terms of the protective order issued by this Court (Dkt. No. 38) and under which the reports were provided. Permitting Sigelman to file the 302s under seal will allow the Court to more fully consider his argument that Duran, possesses exculpatory evidence that should be secured by a Rule 15 deposition while also preserving the goals of the protective order. No less restrictive alternative relief is suitable.

WHEREFORE, for the reasons set forth herein, Joseph Sigelman respectfully requests that the Court grant this Motion and enter an order permitting the filing under seal of the materials referenced above as exhibits to his motion for a Rule 15 deposition.

Dated: March 30, 2015

Respectfully submitted,

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